

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REISSUE APPLICATION

Applicants : Youman et al.
Reissue : 09/313,532 Conf. No. : 4047
Application No.
Filed : May 13, 1999
Patent No. : 5,629,733 Issued: May 13, 1997
For : ELECTRONIC TELEVISION PROGRAM GUIDE SCHEDULE
SYSTEM AND METHOD WITH DISPLAY AND SEARCH OF
PROGRAM LISTINGS BY TITLE
Art Unit : 2424
Examiner : Joseph G. Ustaris

New York, New York 10036
April 1, 2009

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

Sir:

Appellants are filing this Appeal Brief in support of their appeal from the final rejection of claims 24-55¹ in the final Office Action dated December 10, 2007 ("Final Office Action"). A Notice of Appeal for this case was filed on June 9, 2008.

In view of the arguments and authorities set forth below, the Board should find the rejection of claims 24-55 to be in error, and the Board should reverse the rejection of the

¹ The Final Office Action rejects claims 24-55, however claims 28 and 44 were canceled.

claims 24-27, 29-43 and 45-55 (since claims 28 and 44 were canceled).

(i) Real Party in Interest

Appellants respectfully advise the Board that the real party in interest in the above-identified patent application is United Video Properties, Inc., a corporation organized and existing under the laws of the State of Delaware, and having an office and place of business at 6922 Hollywood Boulevard, Los Angeles, CA 90028, which is the assignee of this application.

(ii) Related Appeals and Interferences

Appellants respectfully advise the Board that there are no other appeals or interferences known to appellants, their legal representative, or their assignee that will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(iii) Status of Claims

Claims 1-23 are allowed. Claims 24-27, 29-43, and 45-55 are finally rejected in this application and are on appeal. Claims 28 and 44 were canceled previously. Claims 1-27, 29-43, and 45-55 are pending this application.

(iv) Status of Amendments

Appellants have not submitted any amendments pursuant to 37 C.F.R. § 1.116 or in reply to the Final Office Action, from which this appeal is being sought.

(v) Summary of Claimed Subject Matter

Appellants' independent claim 24 relates to an electronic television programming guide for use in connection with a television receiver for displaying a plurality of television programs from a plurality of sources on a plurality

of user-selectable television channels that comprises the following:

A wireless remote control, comprising nonalphanumeric keys, that generates control commands. (See U.S. Patent No. 5,629,733, for example, FIGS. 3-4, col. 10, lines 19-32.)

A data processor that receives the control commands from the wireless remote control. (See U.S. Patent No. 5,629,733, for example, col. 4, line 59 to col. 5, line 19, col. 9, line 59 to col. 10, line 18.)

A video display generator connected to the data processor that displays an alphabetically-arranged visual display of a plurality of television program titles on said television receiver, wherein a user may search for a title to be displayed by selecting n characters with the wireless remote control, where n is greater than one, wherein each of the n characters may be selected with the wireless remote control from a plurality of displayed alphanumeric characters by changing from a first character to a second character using the nonalphanumeric keys. (See U.S. Patent No. 5,629,733, for example, FIG. 1, col. 9, lines 25-41, col. 31, line 52 to col. 32, line 16.)

Appellants' independent claim 40 relates to a method for using an electronic television programming guide used in connection with a television receiver that displays a plurality of television programs from a plurality of sources on a plurality of user-selectable television channels, that comprises the following:

Generating control commands with a wireless remote control, wherein the wireless remote control comprises nonalphanumeric keys. (See U.S. Patent No. 5,629,733, for example, FIGS. 3-4, col. 10, lines 19-32.)

Receiving the control commands from the wireless remote control with a data processor. (See U.S. Patent No. 5,629,733, for example, col. 4, line 59 to col. 5, line 19, col. 9, line 59 to col. 10, line 18.)

Displaying an alphabetically-arranged visual display of a plurality of television program titles on the television receiver with a video display generator connected to the data processor, wherein a user may search for a title to be displayed by using the wireless remote control to select each of n characters from a plurality of displayed alphanumeric characters by changing from a first character to a second character using the nonalphanumeric keys, where n is greater than one. (See U.S. Patent No. 5,629,733, for example, FIG. 1, col. 9, lines 25-41, col. 31, line 52 to col. 32, line 16.)

(vi) Ground of Rejection to be Reviewed on Appeal

The grounds of rejection to be reviewed on this appeal are whether the rejections of claims 24-27, 29-43, and 45-55 under 35 U.S.C. § 251 as being an improper recapture of broadened claimed subject matter is proper.

(vii) Arguments

A. Introduction

Claims 1-27, 29-43, and 45-55 are pending in this application. Claims 1-23 have been allowed², and claims 24-55³ have been finally rejected in the Final Office Action under 35 U.S.C. § 251 as allegedly being "an improper recapture of broadened claimed subject matter surrendered in the application

² See Office Action mailed May 16, 2007, Final Office Action.

³ Claims 28 and 44 were previously canceled, but were identified in the Final Office Action as being rejected.

for the patent upon which the present reissue [application] is based." (Final Office Action, page 2). No impermissible recapture has occurred, for at least the reason that reissue claims 24 and 40⁴ are narrower than the originally amended application claims and the issue claims in an aspect germane to a prior art rejection raised during original prosecution.⁵

The present invention is directed to a feature for an electronic television program guide. Electronic television program guides are the software that one sees when one hits, for example, the guide button on a television remote control. This application was originally filed early in the development of such programs, and claims a search feature that allows a user to search for programs (e.g., television programs) by title by entering characters of the title using a remote control - a relatively limited input device when compared to, for example, a keyboard. Generally speaking, and as set forth in more detail below, original application claim 1 was originally agnostic as to a particular approach for allowing the user to select letters of the program title. It was amended over prior art to include a specific approach -- the "cycling" feature of issued claims 1 and 12. By pursuing reissue claims 24 and 40, appellants have not sought the original scope of its application claim in this regard (i.e., any means for selecting characters of a title). Rather, reissue claims 24 and 40 still recite a particular selection feature where the user selects characters for a program title search "with the wireless remote control from a plurality of displayed alphanumeric characters by changing from a first character to a second character." Reissue claims 24 and 40 also

⁴ Claims 24 and 40 are directed to a system and method, respectively, which include parallel elements in common. Statements made herein with respect to claims 24 and 40 individually are meant to apply to the other, unless otherwise indicated.

⁵ See *In re Clement*, 131 F.3d 1464, 1469-170 (Fed. Cir. 1997).

tie the character selection specifically to "using the nonalphanumeric keys," a limitation that did not appear in the original claim 1 or issued claims 1 and 12, and which further narrow the claims. Such reissue claims are entirely permissible under the recapture doctrine, and reversal by the Board is respectfully requested.

B. A Brief Description of the Claimed Search-by-title Feature

The present reissue application was filed on the two year anniversary of the issuance of the parent patent U.S. Patent Number 5,629,733 ("733 Patent") to correct the scope of the claims. The '733 Patent described an electronic television program guide that included a program search-by-title feature. The search-by-title feature allows a television viewer to use an electronic program guide to search for a program title using characters in the title. Among the innovations of the '733 Patent was the use of nonalphanumeric keys to select letters or characters for use in the search-by-title feature. At the time, televisions and electronic program guides were not typically used with keyboards or other input devices that had a full set of alphanumeric keys. As such, it was difficult to select letters or characters to use in a program title search. The solution to this problem, described in the '733 Patent was to (in some embodiments) provide a display of letters that could be selected using nonalphanumeric keys, such as up/down or right/left arrow keys of a remote control, to select letters displayed in the guide display. A representative guide screen for the search-by-title search is shown in FIG. 38D, which depicts a list of program titles in alphabetical order on the left. Using the up/down and right arrows of an input device, such as a remote control, letters can be selected from the title display at the top of the screen which cause the program list to be updated.

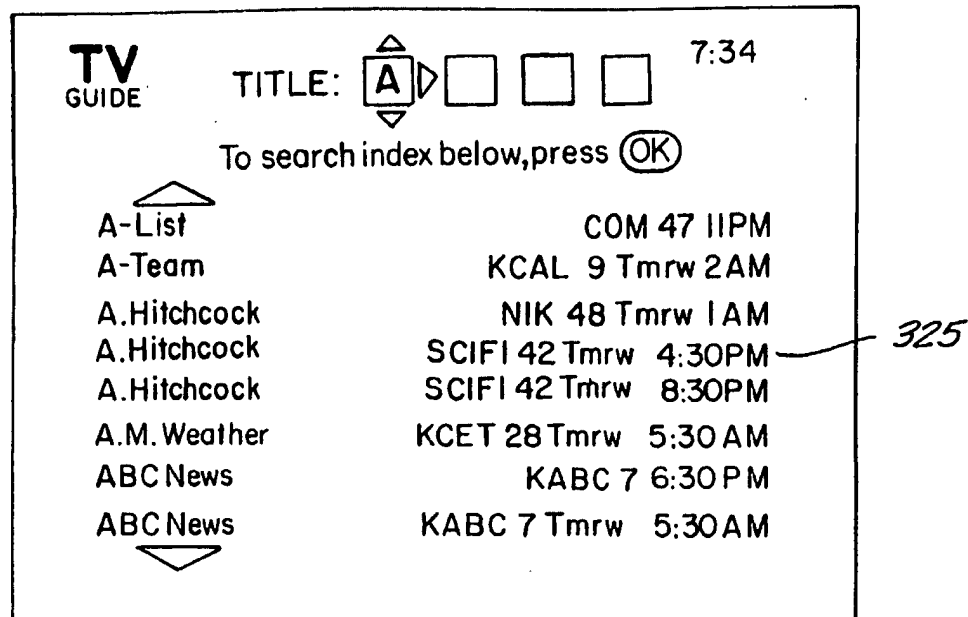


FIG.38D

The application originally filed that led to the '733 Patent included a single broad claim 1 that generally covered a search-by-title feature, but did not specify how the user would select characters in a title search. The broad claim 1 was surrendered in prosecution of the '733 Patent (which will be discussed in detail herein) by the addition of an element that specified how character selection could be performed by "causing said character displays to cycle forward and backward through a plurality of alphanumeric characters and means for assigning one of said alphanumeric character to each of said n characters." Appellants' reissue claims seek to cover another recitation of how a user might select characters for the search-by-title feature that is "selected with the wireless remote control from a plurality of displayed alphanumeric characters by changing from a first character to a second character using the nonalphanumeric keys."

C. A Brief Description Of The Relevant Prosecution History

In the prosecution of the '733 Patent, application claim 1 was rejected in a January 30, 1996 Office Action under 35 U.S.C. § 103(a) as being obvious over Young (U.S. Patent No. 5,353,121) or Vogel (U.S. Patent No. 5,253,066) and Reed (U.S. Patent No. 5,241,671). In the Office Action mailed January 30, 1996, the Young and Vogel patents were acknowledged to lack certain search and selection limitations of the originally filed claims, but the Reed patent was cited as providing a multimedia search system in which a user could select a title by entering one or more characters of a selected title. (Office Action mailed January 30, 1996 in '733 Patent, pages 2-3.)

Reed disclosed a CD-ROM based encyclopedia for use in a personal computer, where the user used a full keyboard to enter titles of topics or article titles. The precursor to issued claim 1 did not expressly specify how the selection means selected the characters to be used in the title search and, without such features the Examiner maintained a rejection over Reed. In response, appellants amended claim 1 to recite that the claimed selection means "cycl[ed] forward and backward" through displayed letters (the "cycling" feature), as follows:

1. An electronic television programming guide for use in connection with a television receiver for displaying a plurality of television programs from a plurality of program sources on a plurality of user-selectable television channels comprising:

user control means for issuing control commands, including channel-control commands;
data processing means for receiving said control commands and for generating video control commands;

a video display generator adapted to receive video control commands from said data processing means for generating and displaying a visual display of a plurality of television program titles on said television receiver, said plurality of television programs displayed alphabetically by title; and

selection means for allowing said user to select a title for display on said television receiver by selecting the first n characters of said title,

where n is greater than ~~or equal to~~ one; said data processing means being responsive to said selection means and adapted to select said plurality of television program titles for display on said television receiver in response to said n characters; wherein said video display generator displays said n characters and said selection means comprises means for causing said character displays to cycle forward and backward through a plurality of alphanumeric characters and means for assigning one of said alphanumeric character to each of said n characters. (Evidence Appendix, Amendment A, pages 1-2. The underlined portions above reflect the additions made by Amendment A and the deletions are shown stricken out.)

By amending claim 1 in this way, appellants focused its search-by-title approach to be more appropriate for use with a remote control - a relatively limited user input device when compared to a full keyboard. This was explained in the arguments accompanying the amendment as follows:

Applicants solve this problem by using existing keys on the remote control device to input the characters of a program title. With applicants' invention, searching based on alphanumeric characters is provided for in a user-friendly manner without cluttering the remote control device with a large number of keys. (Evidence Appendix, Amendment A, page 12.)

Appellants also argued that the combination of Young or Vogel and Reed did not show or suggest how to select multiple characters using a remote control device:

Furthermore, even if the teachings of Reed are applied to either Young or Vogel, because Reed does not disclose how to select multiple characters in a title using only a remote control device, one of ordinary skill in the art would still not be possessed of the invention described and claimed by applicants. For example, claim 1 has been amended to recite i) that a plurality of characters in the title are input by the user, and ii) the specific means by which this is done -- providing a user selection means to "cycle forward and backward through a plurality of alphanumeric

characters" in order to locate each of the desired characters in the title. Reed does not teach or suggest this specific means for inputting [sic] more than the first character of a title because there is no reason to use this type of a system when a full keyboard is available. Applicants therefore submit that the rejection of claim 1 has been traversed. (Evidence Appendix, Amendment A, page 14, emphasis in original.)

Thus, appellants argued that the distinction between claim 1 as amended and the cited references was that the cited references did not provide specific means by which multiple characters could be selected using a remote control device.

The above amendment and arguments were deemed to overcome the prior art rejections, and the '733 Patent was allowed shortly thereafter. The cycling feature of claims 1 and 12 was specifically identified by the Examiner as being patentable over the prior art in the Notice of Allowance mailed June 12, 1996 in the '733 Patent which stated: "Claims 1-23 are allowable because the prior art fails to disclose or suggest an electronic television program guide comprising a selection means for allowing a user to select a title for display by selecting the first n characters, wherein n is greater than one, and selecting each character by cycling forward and backward (or up/down) through a list of alphanumeric characters as recited in the claims." (Examiner's Statement of Reasons for Allowance in the Notice of Allowance mailed June 12, 1996 in the '733 Patent, emphasis supplied.)

The currently rejected reissue claims 24 and 40 seek to focus the character selection feature of claims 1 and 12 in a slightly different way, yet still in a way useful to remote controls. In particular, claims 24 and 40 recite character selection "wherein each of the n characters may be selected with the wireless remote control from a plurality of displayed alphanumeric characters by changing from a first character to a second character using the nonalphanumeric keys." This is

performed, for example, during the cycling of characters (such as is claimed in claims 1 and 12).

D. The requirements for a 35 U.S.C. § 251 rejection for improper recapture of broadened claimed subject matter have not been met

Reissue of defective patents is governed by 35 U.S.C. § 251 which states, in part:

Whenever any patent is, through error without any deceptive intention, deemed wholly or partly inoperative or invalid, by reason of ... the patentee claiming more or less than he had a right to claim in the patent, the Director shall, on the surrender of such patent and the payment of the fee required by law, reissue the patent for the invention disclosed in the original patent

The reissue statute expressly permits a patentee to correct an error in a patent, and obtain reissue claims that are broader than the originally issued patent claims if the reissue is filed, as appellants have done, within two years from the date the original patent issues.⁶ The Board has often applied the *In re Clement* test set forth by the Federal Circuit:

The Federal Circuit's opinion in *Clement* discusses a three-step test for analyzing recapture.

Step 1 involves a determination of whether and in what aspect any claims sought to be reissued are broader than the patent claims. The Federal Circuit reasoned that a reissue application claim deleting a limitation or element from a patent claim is broader as to that limitation's or element's aspect.

Step 2 involves a determination of whether the broader aspects of the reissue application claims relate to surrendered subject matter. In this respect, review of arguments and/or amendments during the prosecution history of the application, which matured into the patent sought to be reissued, is appropriate. In reviewing the prosecution history, the Federal Circuit

⁶ *Ex Parte Aleles*, 2006 WL 3769596, 7 (Bd. Pat. App. & Interf. 2006).

observed that [d]eliberately canceling or amending a claim in an effort to overcome a [prior art] reference strongly suggests that the applicant admit that the scope of the claim before cancellation or amendment is unpatentable.

Step 3 is applied when the broadening relates to surrendered subject matter and involves a determination whether the surrendered subject matter has crept into the reissue application claim. *Id.* The following principles were articulated by the Federal Circuit:

Substep (1): if the reissue claim is as broad as or broader than the canceled or amended claim in all aspects, the recapture rule bars the claim;

Substep (2): if it is narrower in all aspects, the recapture rule does not apply, but other rejections are possible;

Substep (3): if the reissue claim is broader in some aspects, but narrower in others, then:

(a) if the reissue claim is as broad as or broader in an aspect germane to a prior art rejection, but narrower in another aspect completely unrelated to the rejection, the recapture rule bars the claim;

(b) if the reissue claim is narrower in an aspect germane to [a] prior art rejection, and broader in an aspect unrelated to the rejection, the recapture rule does not bar the claim, but other rejections are possible.⁷

The Step 1 inquiry involves a determination of whether and in what aspect reissue claims are broader than the patent claims.

Allowed claims 1 and 12 of the current reissue application issued as claims 1 and 12 of the '733 Patent. Claims 1 and 12 include elements in common with rejected reissue claims 24 and 40. Differences between the claims lie in the elements reciting "selection means" (claims 1 and 12) and "selecting" (claims 24 and 40). In particular, claims 1 and 12 recite a cycling feature: "selection means comprises means for causing each of said n characters to cycle forward and backward through a

⁷ *Ex Parte Aleles*, 2006 WL 3769596, 7-8 (Bd. Pat. App. & Interf. 2006), citations omitted.

plurality of alphanumeric characters," and claims 24 and 40 recite changing characters: "selecting n characters with the wireless remote control, where n is greater than one, wherein each of the n characters may be selected with the wireless remote control from a plurality of displayed alphanumeric characters by changing from a first character to a second character using the nonalphanumeric keys." Appellants acknowledge that the reissue claims 24 and 40 are broader in some aspects when compared to claims 1 and 12. However, broadening of issued claims is permissible in a broadening reissue, and not the end of the inquiry.

Step 2 requires a determination of whether the broader aspects of the reissue claims relate to surrendered subject matter. In the reissue claims 24 and 40, appellants are not pursuing a claim akin to the original broad claim 1 pending prior to Amendment A (e.g., a claim with no specific means for selecting multiple characters using a remote control device). Instead, the feature sought in reissue claims 24 and 40 is broader in some aspects and narrower in other aspects when compared to the issued claims 1 and 12, as well as the version of claim 1 preceding Amendment A, which omitted any specifics for how character selection is performed. If the broader aspects of reissue claims 24 and 40 are related to the surrendered subject matter, which is not conceded, the analysis continues with Step 3.

Step 3 focuses on the situation when the broadening reissue relates to surrendered subject matter and involves a determination of whether the surrendered subject matter has "crept into the reissue application." Certain specific principles have been set forth by the Federal Circuit in which the recapture rule would not apply:

[Step 3,] Substep (3): if the reissue claim is broader in some aspects, but narrower in others, then:
... (b) if the reissue claim is narrower in an aspect

germane to [a] prior art rejection, and broader in an aspect unrelated to the rejection, the recapture rule does not bar the claim, but other rejections are possible.⁸

Reissue claims 24 and 40 are narrower, in certain aspects, than the surrendered claim, i.e., the original claim 1 prior to Amendment A. In particular, reissue claims 24 and 40 specify the following additional narrowing elements:

- a wireless remote control, comprising nonalphanumeric keys, that generates control commands; and
- wherein each of the n characters may be selected with the wireless remote control from a plurality of displayed alphanumeric characters by changing from a first character to a second character using the nonalphanumeric keys.

The scope of surrendered subject matter used in the *Clement* Step 3, Substep 3(b) analysis is at least the surrendered original claim 1 prior to the amendments entered by Amendment A. This is consistent with the *Clement* decision, as well as a Board decision in *Ex parte Eggert*, which stated in a case involving a *Clement* Step 3, Substep 3(b) analysis, that "[i]n our view, the surrendered subject matter is the... subject matter appellants conceded was unpatentable," and did not include as surrendered subject matter, the scope of an added limitation.⁹ Although recent Board decisions¹⁰ and U.S.P.T.O. changes to the M.P.E.P. have indicated a trend away from the *Eggert* scope of surrendered subject matter based on a decision entered by the Federal Circuit

⁸ *Ex Parte Aleles*, 2006 WL 3769596, 7-8 (Bd. Pat. App. & Interf. 2006), citations omitted.

⁹ *Ex parte Eggert*, 2003 WL 21542454 (Bd. Pat. App. & Interf. 2003), 67 U.S.P.Q.2d 1716, 1717.

¹⁰ See, e.g., *Ex Parte Lanier*, 2009 WL 789925 (Bd. Pat. App. & Interf. 2009), *Ex Parte Aleles*, 2006 WL 3769596 (Bd. Pat. App. & Interf. 2006).

in *North American Container*¹¹, appellants submit that the *North American Container* surrendered subject matter only applies to an analysis of *Clement's* Step 3, Substep 3(a) rather than Substep 3(b) as is the case in the present application, and that the *Eggert* scope still applies to *Clement's* Step 3, Substep 3(b) analysis. A dissenting opinion in a recent Board decision identified the inconsistency between precedential case law and recent Board decisions in this regard, and stated that "this ambiguity alone is not sufficient to signal a break from *Clement's* clear instruction to determine the scope of surrendered subject matter by reference to the canceled claims, rather than to the issued patent claims."¹²

Even if the Board disregards the *Clement* and *Eggert* scope of surrendered subject matter in favor of following some recent Board decisions which hold that surrendered subject matter is something more than a claim in a pre-amended form, appellants submit that reissue claims 24 and 40 contain narrowing elements germane to the prior art rejections when compared not only to the version of claim 1 prior to the amendments entered by Amendment A, i.e., using the "nonalphanumeric keys" and "changing from a first character to a second character," but also narrowing elements germane to the prior art rejections when compared to the issued claims 1 and 12. The narrowing elements as well as potentially broadening elements are discussed below.

The narrowing portion of reissue claims 24 and 40 that relates to character selection is "germane to the prior art rejection," as required by Step 3, Substep 3(b) of *Clement*. The limitation added in claims 24 and 40 that recites "wherein each

¹¹ *North American Container, Inc. v. Plastipak Packaging, Inc.*, 415 F. 3d 1335, 75 U.S.P.Q. 2d 1545 (Fed. Cir. 2005).

¹² *Ex Parte Lanier*, 2009 WL 789925, 33 (Bd. Pat. App. & Interf. 2009).

of the n characters may be selected with the wireless remote control from a plurality of displayed alphanumeric characters by changing from a first character to a second character using the nonalphanumeric keys," is narrower than both the selection means of the original surrendered claim 1 and issued claims 1 and 12 for at least the reason that the characters are selected with the wireless remote control, specifically using the nonalphanumeric keys. No such corresponding limitation is included in the selection means of surrendered claim 1 or issued claims 1 and 12, in which the character selection is not explicitly tied to any particular input device, much less specific keys of such a device. This narrowing portion is germane to the prior art rejection, for example, with respect to Reed, as discussed above in connection with the prosecution history of the '733 Patent.

Appellants acknowledge that reissue claims 24 and 40 are broader in certain aspects than both the surrendered original claim 1 and the issued claims 1 and 12, but only in aspects that are not germane to the prior art rejections. For example, reissue claims 24 and 40 omit an element specifying a "video display generator means." However, this component was never argued by appellants in the prosecution of the '733 patent. As such, the broadening element of reissue claims 24 and 40 relating to the "video display generator" is unrelated to prior art rejections.

In addition, reissue claims 24 and 40 do not include the element of both surrendered claim 1 and the issued claims 1 and 12 defining "data processing means being responsive to said selection means and adapted to select said plurality of television program titles for display on said television receiver in response to said n characters." However, this element has been replaced in claims 24 and 40 with a "data processor." Moreover, the "data processing means" of claim 1 was not argued by appellants in prosecution of the '733 patent and is not germane to the prior art rejections. Thus, any broadening of reissue claims 24 and 40 with respect to its omission of

specifics of data processing is not germane to prior art rejections.

For at least the reasons discussed herein, appellants submit that, in accordance with Clement's Step 3, Substep 3(b), no improper recapture is made by reissue claims 24 and 40 for at least the reasons that the reissue claims 24 and 40 are "narrower in an aspect germane to [a] prior art rejection, and broader in an aspect unrelated to the rejection."¹³ Accordingly, appellants respectfully request that the 35 U.S.C. § 251 rejection of claims 24 and 40 be withdrawn.

E. Dependent claims are also patentable

Since each of the dependent claims 25-27, 29-39, 41-43 and 45-55 include all of the elements of either claim 24 or 40, the dependent claims are also permissible under 35 U.S.C. § 251. Appellants respectfully request that the 35 U.S.C. § 251 rejection of claims 25-27, 29-39, 41-43 and 45-55 also be withdrawn.

F. Conclusion

For the foregoing reasons, appellants submit that claims 24-27, 29-43 and 45-55 are patentable pursuant to 35 U.S.C. § 251. The Final Office Action's rejections of these claims under 35 U.S.C. § 251 is improper and should be reversed. Since claims 1-23 of the reissue application have been indicated as allowable, appellants respectfully request that all of the pending claims, 1-27, 29-43 and 45-55 now be allowed.

This Brief has the following appendices:

(viii) Claims Appendix

¹³ *Ex Parte Aleles*, 2006 WL 3769596, 7-8 (Bd. Pat. App. & Interf. 2006), citations omitted.

Appendix A: Copy of pending claims 1-27, 29-43, and 45-55 in this appeal.

(ix) Evidence Appendices

U.S. Patent No. 5,629,733 to Youman, et al.

Final Office Action mailed December 10, 2007.

Amendment A filed March 7, 1996.

Office Action mailed January 30, 1996 in application leading to U.S. Patent No. 5,629,733.

(x) Related Proceedings Appendix

None.

Respectfully submitted,

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Claims Appendix

1. An electronic television programming guide for use in connection with a television receiver for displaying a plurality of television programs from a plurality of program sources on a plurality of user-selectable television channels comprising:

user control means for issuing control commands, including channel-control commands;

data processing means for receiving said control commands and for generating video control commands;

video display generator means adapted to receive video control commands from said data processing means for generating and displaying a visual display of a plurality of television program titles on said television receiver, said plurality of television program titles arranged alphabetically by title; and

selection means for allowing said user to select a title for display on said television receiver by selecting the first n characters of said title, where n is greater than one; said data processing means being responsive to said selection means and adapted to select said plurality of television program titles for display on said television receiver in response to said n characters;

wherein said video display generator means displays said n characters and said selection means comprises means for causing each of said n characters to cycle forward and backward through a plurality of alphanumeric characters and means for assigning one of said alphanumeric characters to each of said n characters.

2. The electronic television programming guide of claim 1 wherein said video display generator means

changes said display of television program titles substantially immediately after selection of each of said n characters.

3. The electronic television programming guide of claim 1 wherein said video display generator means displays said n characters concurrently with said plurality of program titles.

4. The electronic television programming guide of claim 1 wherein said video display generator means comprises cursor means for designating one of said displayed titles in further response to said n characters.

5. The electronic television programming guide of claim 4 wherein said user selection means further comprises means for selecting said designated program for viewing.

6. The electronic television programming guide of claim 1 wherein said video display generator means changes said display of television program titles as said selection means cycles through said plurality of alphanumeric characters.

7. The electronic television programming guide of claim 1 wherein said visual display comprises channel, day, and time information for said program titles.

8. The electronic television programming guide of claim 1 wherein said selection means comprises means for causing a cursor to scroll through said displayed titles.

9. The electronic television programming guide of claim 1 wherein said display of television program titles consists of titles for programs scheduled for display on the same channel.

10. The electronic television programming guide of claim 1 wherein said display of television program titles consists of titles for programs scheduled for display on the same day and at the same time.

11. The electronic television programming guide of claim 1 wherein said display of television program titles consists of titles for programs scheduled for display on a plurality of user-defined favorite channels comprising a subset of said plurality of user-selectable television channels.

12. In an electronic television programming guide for use in connection with a television receiver for displaying a plurality of television programs from a plurality of program sources on a plurality of user-selectable television channels comprising, a method for selecting a program for display on said receiver by searching a database of program schedule information alphabetically by title, said method comprising:

generating user control commands with a user control means;

selecting and displaying the first n characters of a program title with said user control means, where n is greater than one, wherein each said character is selected from a plurality of alphanumeric characters by

cycling forward and/or backward through said alphanumeric characters and assigning one of said alphanumeric characters to each of said n characters;

receiving said user control commands and searching a database of program schedule information in response to said n characters; and

generating and displaying a visual display of television program titles displayed alphabetically by title in response to said searching of said database.

13. The method of claim 12 further comprising changing said visual display of television program titles substantially immediately upon selection of each of said n characters.

14. The method of claim 12 wherein said n characters are displayed concurrently with said visual display of program titles.

15. The method of claim 12 comprising designating one of said displayed titles in further response to said searching of said database.

16. The method of claim 15 further comprising selecting said designated program for viewing.

17. The method of claim 12 wherein said display of television program titles is changed as one of the n characters is changed.

18. The method of claim 12 comprising displaying channel, day, and time information for said program titles.

19. The method of claim 12 further comprising scrolling through said displayed titles using said user control means.

20. The method of claim 12 wherein said display of television program titles consists of titles for programs scheduled for display on the same channel.

21. The method of claim 12 wherein said display of television program titles consists of titles for programs scheduled for display on the same day and at the same time.

22. The method of claim 12 wherein said display of television program titles consists of titles for programs scheduled for display on a plurality of user-defined favorite channels comprising a subset of said plurality of user-selectable television channels.

23. In an electronic television programming guide for use in connection with a television receiver, a method for selecting program schedule information for display on said receiver by selecting a plurality of characters in a desired title for one of said programs, the method comprising:

a) providing a user control means including up/down arrow keys;

b) displaying a plurality of n character display cells on said television receiver, where n is greater than 1;

c) displaying an alphanumeric character in the first said display cell in response to a first user control command generated by said user control means;

d) changing said displayed alphanumeric character in response to depression of one of said up/down arrow keys on said user control means if said displayed alphanumeric character is not the correct first character for said desired title;

e) selecting said displayed alphanumeric character as said first character of said desired title in response to a second user control command;

f) displaying a plurality of program titles alphabetically in response to said first selected alphanumeric character;

g) repeating steps c), d), and e) for the second character of said desired title and displaying a plurality of program titles alphabetically in response to said first and second selected alphanumeric characters of said desired title; and

h) repeating steps c), d), and e) for the third character of said desired title and displaying a plurality of program titles alphabetically in response to said first, second and third selected alphanumeric characters of said desired title if said desired title is not displayed following step g).

24. An electronic television programming guide for use in connection with a television receiver for displaying a plurality of television programs from a

plurality of sources on a plurality of user-selectable television channels comprising:

a wireless remote control, comprising nonalphanumeric keys, that generates control commands;

a data processor that receives the control commands from the wireless remote control; and

a video display generator connected to the data processor that displays an alphabetically-arranged visual display of a plurality of television program titles on said television receiver,

wherein a user may search for a title to be displayed by selecting n characters with the wireless remote control, where n is greater than one, wherein each of the n characters may be selected with the wireless remote control from a plurality of displayed alphanumeric characters by changing from a first character to a second character using the nonalphanumeric keys.

25. The electronic television programming guide defined in claim 24 wherein changing from a first character to a second character comprises cycling through the displayed alphanumeric characters using the nonalphanumeric keys.

26. The electronic television programming guide defined in claim 24, wherein the video display generator changes the display of television program titles in real time as each of the alphanumeric characters is cycled through with the wireless remote control.

27. The electronic television programming guide defined in claim 24 wherein the video display generator

changes the display of television program titles when each of the n characters is selected with the wireless remote control.

28. (Canceled).

29. The electronic television programming guide defined in claim 24 wherein the nonalphanumeric keys comprise arrow keys.

30. The electronic television programming guide defined in claim 24, wherein the nonalphanumeric keys comprise arrow keys, and wherein one of the arrow keys is an up arrow key and one of the arrow keys is a down arrow key.

31. The electronic television programming guide defined in claim 24 wherein the video display generator designates one of the displayed television program titles in response to the selection of the n characters.

32. The electronic television programming guide defined in claim 24 wherein the display comprises channel and time information for the television program titles.

33. The electronic television programming guide defined in claim 24 wherein the video display generator highlights a given one of the television program titles as the user scrolls through the television program titles.

34. The electronic television programming guide defined in claim 24 wherein the video display generator

highlights a given one of the television program titles as the user scrolls through the television program titles and wherein the highlighted program is selected for viewing using the wireless remote control.

35. The electronic television programming guide defined in claim 24 wherein the display of television programming titles comprises titles for programs scheduled for display on the same channel.

36. The electronic television programming guide defined in claim 24 wherein the display of television programming titles comprises titles for programs scheduled for display on the same day and at the same time.

37. The electronic television programming guide defined in claim 24 wherein the display of television programming titles comprises titles for programs scheduled for display on a plurality of user-defined favorite channels that comprise a subset of said plurality of user-selectable television channels.

38. The electronic television programming guide defined in claim 24, wherein each of the n characters that is selected with the wireless remote control is a given one of the alphanumeric characters that has first been visually identified on the television receiver.

39. The electronic television programming guide defined in claim 24 wherein the alphanumeric characters are only letters.

40. A method for using an electronic television programming guide used in connection with a television receiver that displays a plurality of television programs from a plurality of sources on a plurality of user-selectable television channels, comprising:

generating control commands with a wireless remote control, wherein the wireless remote control comprises nonalphanumeric keys;

receiving the control commands from the wireless remote control with a data processor; and

displaying an alphabetically-arranged visual display of a plurality of television program titles on the television receiver with a video display generator connected to the data processor,

wherein a user may search for a title to be displayed by using the wireless remote control to select each of n characters from a plurality of displayed alphanumeric characters by changing from a first character to a second character using the nonalphanumeric keys, where n is greater than one.

41. The method defined in claim 40 further comprising changing from a first character to a second character using the nonalphanumeric keys by cycling through the displayed alphanumeric characters.

42. The method defined in claim 40, further comprising changing the display of television program titles with the video display generator in real time as each of the alphanumeric characters is cycled through with the wireless remote control.

43. The method defined in claim 40 further comprising changing the display of television program titles with the video display generator when each of the n characters is selected with the wireless remote control.

44. (Canceled).

45. The method defined in claim 40 wherein the nonalphanumeric keys comprise arrow keys.

46. The method defined in claim 40, wherein the nonalphanumeric keys comprise arrow keys, and wherein one of the arrow keys is an up arrow key and one of the arrow keys is a down arrow key.

47. The method defined in claim 40 further comprising designating one of the displayed television program titles with the video display generator in response to the selection of the n characters.

48. The method defined in claim 40 wherein the display comprises channel and time information for the television program titles.

49. The method defined in claim 40 further comprising highlighting a given one of the television program titles as the user scrolls through the television program titles.

50. The method defined in claim 40 further comprising highlighting a given one of the television program titles with the video display generator as the user

scrolls through the television program titles, wherein the highlighted program is selected for viewing using the wireless remote control.

51. The method defined in claim 40 wherein the display of television programming titles comprises titles for programs scheduled for display on the same channel.

52. The method defined in claim 40 wherein the display of television programming titles comprises titles for programs scheduled for display on the same day and at the same time.

53. The method defined in claim 40 wherein the display of television programming titles comprises titles for programs scheduled for display on a plurality of user-defined favorite channels that comprise a subset of said plurality of user-selectable television channels.

54. The method defined in claim 40 further comprising selecting each of the n characters with the wireless remote control by first visually identifying a given one of the alphanumeric characters on the television receiver.

55. The method defined in claim 40 wherein the alphanumeric characters are only letters.

Evidence Appendices

U.S. Patent No. 5,629,733 to Youman, et al.

Final Office Action mailed December 10, 2007.

Amendment A filed March 7, 1996.

Office Action mailed January 30, 1996 in
application leading to U.S. Patent No. 5,629,733.

Related Proceedings Appendix

None.